

JUDGE BENJAMIN SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,	)	No. CR18-5152 BHS
Plaintiff,	)	
v.	)	STIPULATED MOTION TO
ALLEN D. LINT,	)	CONTINUE TRIAL AND
Defendant.	)	PRETRIAL MOTIONS DATES
	)	NOTED: 6.1.18/ NO ORAL
	)	ARGUMENT

The defendant, ALLEN D. LINT, through Bryan G. Hershman, and the United States of America, through Assistant United States Attorneys Tom Woods and Joseph Silvio, respectfully request a continuance of the trial date to October 30, 2018, and the pretrial motions deadline to September 17, 2018. This motion is made for the following reasons.

The defendant is charge with one count of Conspiracy to Distribute Controlled Substance and one count of Possession of Controlled Substance with Intent to Distribute. The defendant was arraigned on April 30, 2018, and plead not guilty to all charges. The Defendant is currently released on pre-trial bond.

The Government has recently provided discovery. Counsel needs time to review, prepare and investigate the matter. Further Counsel has pending trials in various courts including the following: State of Washington v. Lonn Ostrem, and two murder trials, one starting on May 29<sup>th</sup>, 2018 and the other commencing on June 25<sup>th</sup>, 2018.

1 For these reasons, the parties request the Court find that:

2 (a) taking into account the exercise of due diligence, a failure to grant a  
3 continuance would deny counsel for the defendant the reasonable time necessary for  
4 effective preparation, due to counsel's need for more time to review the evidence,  
5 consider possible defenses, and gather evidence material to the defense, as set forth in  
6 18 U.S.C. § 3161(h)(7)(B)(iv); and

7 (b) a failure to grant a continuance would likely result in a miscarriage of justice,  
8 as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

9 (c) the additional time requested is a reasonable period of delay, as the defendant  
10 has requested more time to prepare for trial, to investigate the matter, to gather evidence  
11 material to the defense, and to consider possible defenses; and

12 (d) the ends of justice will best be served by a continuance, and the ends of  
13 justice outweigh the best interests of the public and the defendant in any speedier trial,  
14 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

15 (e) the additional time requested between the current trial date of June 12, 2018,  
16 and the new trial date is necessary to provide counsel for the defendant reasonable time  
17 to prepare for trial considering counsel's schedule and all of the facts set forth above.

18 The defendant, Allen D. Lint, has executed a speedy trial waiver, which will be  
19 filed with this motion.

20 Assistant United States Attorneys Tom Woods and Joseph Silvio have no  
21 objection to the continuance.

22 Therefore, the parties respectfully request a continuance of the trial date to  
23 October 30, 2018, and the pretrial motions deadline to September 17, 2018. The parties

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1 further ask the Court to exclude the time period from the date of the Court's order to the  
2 new trial date for purposes of computing the time limitations imposed by the Speedy  
3 Trial Act.

4 DATED this 22nd day of MAY, 2018.

5 Respectfully submitted,

6 *s/ Bryan G. Hershman*  
7 Attorney for Allen D. Lint

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9 *s/ Joseph Silvio*  
10 *s/ Tom Woods*  
11 Assistant United States Attorneys  
12 *by telephonic or email authorization*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on 5/22/2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of filing to all parties registered with the CM/ECF system.

*s/ Bryan G. Hershman*  
Attorney for Allen D. Lint